

### REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

#### Claim amendments/Status

In this response claims 11 and 12 have been cancelled; claims 1 and 14 have been amended to define over the cited art and new claims 24-29 have been added. The newly added claims and the amendments to claim 1 are supported by the drawings and text of the originally filed specification taken as a whole. The newly presented claims along with those amended in this response are patentable over the cited art in that they call for structure which is neither disclosed in nor suggested by said art.

#### Rejections under 35 USC § 112

The rejection of claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is rendered moot by its cancellation.

#### Rejections under 35 USC § 102

The rejections of:

- 1) claims 1-9 and 12-13 under 35 U.S.C. 102(b) as being anticipated by US 3,998,372 to Leonardo et al.; and
  - 2) claims 14-18 under 35 U.S.C. 102(b) as being anticipated by US 5,484,094 to Gupta;
- are both summarily traversed.

As noted *supra*, the claims have been amended in manner to distinguish over the Leonardo et al. and Gupta references structural differences are recited in the independent claims and as such anticipation cannot be made out. As will be appreciated, the references mention using magnetic effects to hold work pieces in place they fail to disclose or suggest a support arrangement for selectively coupling different sized mounting brackets to the adaptor and for holding a selected mounting bracket relative to a substrate and allow a fastener from the tool to be driven through the selected mounting bracket to secure the selected mounting bracket

to the substrate. They also fail to disclose or suggest that the support comprises a plurality of magnets, wherein there is one specifically for each of the different sized mounting brackets, and wherein each magnet is disposed in a different spaced relationship with respect to an axis along with the fastener is ejected from the tool.

With disclosure of this subject, the anticipation rejections are submitted as being rendered moot

#### Rejections under 35 USC § 103

The rejection of:

- 1) claim 10 under 35 U.S.C. 103(a) as being unpatentable over US 3,998,372 to Leonardo et al.;
- 2) claim 11 under 35 U.S.C. 103(a) as being unpatentable over US 3,998,372 to Leonardo et al. in view of US 5,484,094 to Gupta.; and
- 3) claim 19 under 35 U.S.C. 103(a) as being unpatentable over US 5,484,094 to Gupta in view of US 3,998,372 to Leonardo et al.; are summarily traversed.

The combination of the above listed references fails to render the claimed subject matter obvious to the hypothetical person of ordinary skill.

That is to say, in order to establish a *prima facie* case of obviousness, it is necessary to show that the hypothetical person of ordinary skill would, without any knowledge of the claimed subject matter and without any inventive activity, be provided with disclosure of all of the claimed elements and then motivated to arrive at the claimed subject matter given the guidance of the cited references when each is fully considered as statutorily required.

#### Conclusion

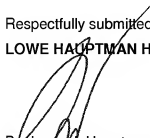
It is respectfully submitted that the claims as they have been amended and newly presented are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**

A handwritten signature in black ink, appearing to read 'Benjamin J. Hauptman', is written over the firm name.

Benjamin J. Hauptman  
Registration No. 29,310

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
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BJH:KJT/tal